



HIGH SPEED RAIL COMMITTEE

Special Meeting
September 15, 2010

Council Member Klein called the meeting to order at 6:05 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Mayor Burt, Klein, Shepherd, Price (arrived at 6:07)

Absent: none

1. Oral Communications

Irwin Dawid said that a Menlo Park Council Member has stated that it would be unhealthy to take a tunnel or nothing approach to High Speed Rail. San Jose chose an aerial configuration and consideration of this could provide an opportunity to have veto rights over the design. He reminded the High Speed Rail Committee (Committee) that Caltrain was in dyer straights without funds from High Speed Rail.

Hinda Sack urged the Committee to move quickly regarding potential litigation.

Bill Cutler said there were citizens in Palo Alto considering private litigation. He said the City should structure litigation in a manner that would allow citizens to participate. He said the declaration of no confidence was a good idea. The declaration itself and the consequences to the California High Speed Rail Authority (CHSRA) would establish confidence. A formal outreach to reach community consensus on the desired outcome should be developed.

Sara Armstrong spoke regarding CAARD's presentation regarding the engineering specifications in the Supplemental Alternatives Analysis Report (SAAR) to the City Council at the Council meeting on September 13, 2010. She said since that time they had received comments from the Lead Engineer from HNTB, CHSRA, and from the City of Menlo Park Staff. The engineering specifications in the SAAR were not completely accurate. An addendum will be

issued that includes information regarding the trench which had been narrowed to an 82 foot width. CHRA also said they would review a 2% grade. She said the engineering typical profile specifications showing the width and height were not to scale by height.

Council Member Klein informed the audience that the Draft Peer Review of the SAAR was released by Hatch Mott MacDonald (HMM) late that afternoon.

2. Approval of Minutes from August 24 and September 2, 2010

MOTION: Council Member Shepherd moved, seconded by Mayor Burt, that the High Speed Rail Committee approve the Minutes from August 24 and September 2, 2010.

MOTION PASSED: 4-0

3. Discussion of the California High Speed Rail Authority (CHSRA) Supplemental Alternative Analysis Report (SAAR).

Council Member Klein asked Staff to update the High Speed Rail Committee (Committee) regarding the Draft Peer Review (HMM Report) of the Supplemental Alternatives Analysis Report (SAAR) that was released by Hatch Mott MacDonald (HMM) late that afternoon.

High Speed Rail Manager, Rob Braulik said he would cover a few key items that Staff had noticed in the short time they had to review the Report. He said HMM noted that there were many inconsistencies in the SAAR regarding the true depth of the trench options and whether it should be 35 or 70 feet deep. The HMM Report noted the roller coaster track configuration for some of the options. They state that the cost differential between open trench, covered trench, and tunnel was not justified. Alma Street traffic impacts were reviewed. They answered the questions asked by the Committee on page nine of the Staff Report. He pointed out one reason the report was still a draft was because Council had requested some changes at the Council meeting on September 13, 2010 that HMM had not had time to implement.

Council Member Klein said rather than answer about half of the Committee's questions they were listed as "unanswerable at the time."

Mr. Braulik agreed. He said they were not answerable at the time because the data was not available at the time.

Council Member Klein read the Report summary from page 13 of the HMM Report.

- “While we understand the desire to limit the number of alternatives to be studied a part of the CHSRA EIR, the basis for the rejection of the covered trench and deep tunnel options is not substantiated. Construction impacts cited for the rejection of both alternatives also exist for the open trench option. The construction processes for the open and covered trench options are almost identical, as are the constructability issues.
- The cross section used for the calculation of the open trench cost – which is stated to be a shallow trench is not consistent with the plan profile drawings, which suggest a much deeper and consequently more expensive solution. CHSRA should confirm which profile – shallow or deep has been used as the basis of their estimate.
- The differential in the cost estimates for the open trench and covered trench options are not believable. As indicated above, the construction process for these options is very similar. CHSRA should provide additional information indicating how the structure costs for each of these options were derived.”

Mayor Burt asked Staff to review the Contractor’s credentials.

Assistant City Manager Steve Emslie said HMM has worked around the world specializing in underground work such as tunneling and trenching. They were recognized as one of the most proficient firms in the industry.

Council Member Price said they also worked on BART projects giving them significant regional experience.

Council Member Klein noted that the City of Menlo Park City Council had written a letter to the Federal Railroad Administration (FRA) urging them to not fund the project. The City of Belmont had passed an ordinance approving the vote of no confidence. The City of Mountain View has rejected the idea of a station within their city limits.

Council Member Shepherd said this was an environmental process. She wanted to understand if the process was driven by environmental impact or cost.

Mr. Emslie said the purpose of an Environmental Impact Report (EIR) is to disclose all potential environmental impacts without regard to the cost. It was intended to be a neutral document allowing the average citizen to understand it. The next step, after certification, is that the approving agency is allowed to not follow it, but they must provide justification which might include economic and constructability issues.

Council Member Shepherd said that much of the SAAR focused on cost.

Mr. Emslie agreed and said that was a weakness of the SAAR.

Council Member Shepherd asked how Staff would be articulating their concerns.

Mr. Emslie said they are supposed to analyze all feasible alternatives. Staff will communicate with them what was unacceptable.

Council Member Klein discussed submitting a response the day before the EIR was submitted.

Council Member Shepherd said it would be useful if they would release their methodology on costing.

Mayor Burt asked Staff to clarify the relationship of the SAAR and the EIR.

Mr. Emslie said they are required to include a section in the EIR that includes all possible alternatives. The SARR was building that section of the EIR. Staff expects they would take the SAAR and import it into the project level EIR draft.

Council Member Shepherd said that the Stanford Draft EIR never pointed out cheaper alternatives, it was more environmentally focused.

Council Member Klein asked Council Member Shepherd to introduce the items she had requested to discuss.

Council Member Shepherd said that she used Council Member Klein's resolution to remind herself that they needed to create action to bring to Council. She said that a strategy could be developed as a compass for Staff to develop stronger language. She said that Council Member Klein's proposal to compliment actions and then to go into strengthening the draft resolution that will go before Council on Monday, September 20, 2010 was in an effort to better support Caltrain.

Mayor Burt said the Committee already adopted specific language for the no confidence vote. He said he was open to amending what was adopted, but using Council Member Klein's recommendations as a framework was out of order as they did not adopt his recommendations. Anything the Committee proposes should be framed around the actual resolution already approved by the Committee.

Council Member Klein said that Mayor Burt was procedurally correct. But he added that their job as a Committee was to come up with the most meaningful proposal possible for the Council to act on. He stated that Council Member Shepherd wanted to make a series of proposals to revise the Committee's previous Motions.

Mayor Burt said he was not attempting to reduce latitude of the discussion. He thought it should be framed around the previously adopted Motion.

MOTION: Council Member Shepherd moved, seconded by Council Member Klein to send a letter to the Governor of the State of California and the California State Legislature requesting that they cease funding High Speed Rail until the California State High Speed Rail Authority Board either recedes or is reorganized.

Council Member Klein said he wasn't clear if that was different than his original suggestion from a previous meeting.

Council Member Shepherd said the added layer is the advocacy to stop funding until there is change. She wanted to see a broader interpretation. She also wanted to discuss if it was important at this point to bring lobbying to the effort. She said she would like to start looking at strategy so they can build a cohesive view of what is needed to defend Palo Alto.

Council Member Price said that she hesitated in making a statement without having discussed the implications these statements will have on the City's next steps. She wanted to know what document could convey their intent and what the next steps would be. She wanted to know if they would include in the draft resolution a move from the statements, implications, and strategies, or were they going to focus on the key points such as ridership and cost. She wanted to know if this document was just a starter, or a complete document about what they were requiring from the CHSRA.

Mayor Burt said they should discuss whether or not they should be making key policy decisions at this time or if they would have greater ability to affect the outcome if they proceed with something such as what they adopted recently, if they would have greater influence looking at the alternatives. He said that Council Member Klein suggested a strong statement with much credibility, but allowing ourselves to consider different actions going forward would be more effective. Demanding a bunch of actions we have no ability to cause the outcome of as we are finding a greater consensus with other communities may

reduce our credibility. He said they should be careful to not be locked into a strategy. He said he would feel differently if their actions could help create a change in other cities, or with the governor. He also voiced concern over who would have the authority to change the CHSRA. He discussed being more specific over what changes they want to see. He said they also should determine their strategy regarding Caltrain plans, and that should preclude the other conversations.

Council Member Klein said the City had a serious problem and little power over it. He said they had to work with their neighboring cities and their legislators. They needed to have a David against Goliath approach. He said their friendly approach had been rejected by the CSHRA multiple times. He said there were two levels of problems in Palo Alto. The various design elements could perhaps be improved. There are also macro problems including ridership and cost estimates shared with the entire state. He said it led to the general idea that High Speed Rail may not make sense as a whole. He said taking a No Confidence vote is fine, but if they don't go further they would lose credibility. Rod Diridon said they will have an aerial structure in Palo Alto and residents should get used to it. He said the City must act and do more than say they don't like the project. Taking steps now will not preclude future negotiations. For now they need to be very clear on what they want, and what they want is not High Speed Rail or the High Speed Rail Authority as presently constituted. He said they were in a fight for their lives as a community, and they had better start fighting.

Council Member Shepherd said this action did two things over the resolution they were bringing to Council. They already communicated to the governor, and legislature with the vote of no confidence. This new Motion added language to stop funding until we get a responsive authority. She said that was an important step right now.

Council Member Klein said there would likely be a variety of Motions for this item, and said the public should be able speak to each Motion. He told the public they would have two minutes for comments.

Virginia Saldich said that the people in Palo Alto are the beneficiaries of a wonderful legacy of contributions from community members whose names appear as donors to all of the treasures around Palo Alto. She said these amities took activism to complete. Rod Diridon believes that only 20 Palo Altans are opposed to HSR, the community should not allow that belief to continue. The Committees present strategies were not enough.

William Cutler said they were asking the governor and legislature to do certain things. He said they needed to include consequences for no action. He compared CHSRA's inability to accomplish tasks with work he had done successfully with NASA.

Herb Borock said that Will Rogers said negotiation was the art of talking until you can find a rock. He said the Council should be given an option to vote on all the different options including Council Member Klein's Motion from the last meeting. They also needed to vote on whether or not to have a station in Palo Alto, as well as whether or not to spend any money on the infrastructure for the station.

Omar Chatty said that he spoke several years ago warning the Council of a potential issue. He said he agrees with Council Member Klein regarding the HSR. He suggested the Council request the Legislature allow a revote on the issue. He said the Committee should consider infrastructure needs rather than HSR.

Mayor Burt said that characterizing Palo Alto's response to the CHSRA as a "nice guy" approach is a misrepresentation. He stated that the positions of surrounding cities are aligned with what the Committee adopted two weeks ago. Taking a policy position does not preclude action on litigation. He said it was important to explore what affected communities can do in collaboration.

Council Member Shepherd asked if it was Mayor Burt's opinion that asking the state to withhold funding was too strident.

Mayor Burt said it was too strident. Palo Alto does not have the power to shut the project down that way, and they would have to reconstitute an alternative body.

Council Member Price said she supported the revised resolution, though she shares Mayor Burt's concerns. This action does not prohibit future action. They could either take a no confidence vote in an attempt to shut the project down or they can take a no confidence vote in an attempt to find a workable solution. She said they have a responsibility to be specific, she wasn't sure they could accomplish that by the time the item was agendaized for the full Council. She said funded and affective rail transit is still needed, while protecting our options.

Council Member Klein said he wasn't sure what information would occur in the next couple of weeks that would change. He said the CHSRA had employed a

strategy of not budging. He reiterated the City must clearly define their support for Caltrain. It was not logical to spend \$42 or \$43 billion to save \$1 billion for Caltrain. HSR was not the only way to save Caltrain. He said it wasn't a game of which city moved first.

Council Member Price wanted to know why the resolution didn't harm the strategy.

Council Member Klein said he wasn't concerned because it didn't fit where they were. It wasn't a negotiation. Palo Alto had no bargaining power. It was important to communicate with organizations like the Federal Rail Administration (FRA), the State Legislature, and the new Governor often.

Mayor Burt agreed that there were other alternatives. Bargaining is and will continue to be futile. He said their power was political as a city and a grass roots collection of citizens. Their power was not with the CSHRA but with decision makers such as the Legislature. They can create a more powerful political unit. He said his vote was not based on false hopes of influencing the authority.

MOTION PASSED: 3-1, Burt no

Council Member Shepherd said she was not prepared to write a letter to the FRA requesting they cease funding the HSR as Council Member Klein proposed.

MOTION: Council Member Shepherd moved, seconded by Mayor Burt to write a letter to the Federal Railroad Administration to communicate their position of no confidence in the California State High Speed Rail Authority Board and to defend Palo Alto's interest in Caltrain.

Council Member Klein said that because of the Caltrain portion he would not be able to support the Motion.

Council Member Shepherd said that to her it was intertwined. She wasn't sure how their strategy can address both at the same time. She said she wanted her colleague's opinions. She wanted to know how the FRA would respond and whether or not they were interested in Caltrain.

Mayor Burt said it was no confidence in HSR and a defense of our interests in Caltrain.

Council Member Klein said wasn't in the FRA's jurisdiction to move funds over to Caltrain.

Council Member Price asked if interoperability wasn't a germane issue.

Mayor Burt said that the role of the FRA is being reexamined which could change their funding as rail is becoming a bigger focus. He said they likely will have jurisdiction to move the funding to regional rail enhancement.

Council Member Klein said the FRA was more of a safety regulation until recently. He said it was important to be decisive and the Motion wasn't.

Kathy Hamilton said that Caltrain is considered a passenger rail service and one reason the FRA may reject funding since it is limited in scope. They also don't have full funding. The MOU has been a conflict of interest from the beginning. Tying HSR to Caltrain ties them to this corridor.

Irvin Dawid said that Caltrain did apply to the FRA for a special rail car design. It was one of the first times the FRA granted clearance to this type of design. He said they have a relationship and there didn't seem any problem with connecting the two.

Mayor Burt said there was a bit of discussion that remains unresolved whether FRA funding would be used for Caltrain electrification. He suggested they change the Motion to read that they have no confidence in the CHSRA. And that separately they support FRA Caltrain funding.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to write a letter to the Federal Railroad Administration to communicate their position of no confidence in the California State High Speed Rail Authority Board. Palo Alto supports Federal Railroad Administration funding for Caltrain.

MOTION PASSED: 3-1, Klein no

Council Member Shepherd said she would like to consider Council Member Klein's suggestion to urge US Senators and Members of Congress to oppose further funding for the authority as presently constituted to be too similar to number one. She said this takes it to a Federal level not gone to yet. She wanted to see it considered under local, State and Federal lobbying efforts when that strategy was ready to be discussed. She said she would not make a Motion to that affect yet. She was interested in rewording Council Member

Klein's proposal that read "Urge the Peninsula Corridor Joint Powers Board to terminate its agreement and relationship with the CHSRA and take all steps necessary to prevent the CHSRA from using the Caltrain right of way for HSR." She said it was a very strong statement.

MOTION: Council Member Shepherd moved, seconded by Council Member XXX to advocate publically for a Policy Advisory Committee for the Peninsula Corridor Joint Powers Board (JPB), appoint a Council Member as a liaison, and contact all Peninsula cities to do the same, and / or recommend that the City Manager meet with other Peninsula City Managers to navigate the possibility of a Peninsula Cities resolution to both Caltrain and CHSRA.

MOTION FAILED DUE TO LACK OF SECOND

Mr. Keene clarified that no motion was made in relation to urging US Senators and Members of Congress to oppose further funding of the California HSR as presently constituted.

MOTION: Council Member Shepherd moved, seconded by Mayor Burt to continue the process of responding to the California State High Speed Rail Authority to defend Palo Alto's interests during the project and program Environmental Impact Review.

Council Member Shepherd said she had received many emails requesting they stop High Speed Rail. She said that may not be what they really want. They want to reconfigure High Speed Rail and change it. She was concerned about expectations being that there would be no further money put toward this if they were not clear.

Mayor Burt said the Motion would help clarify the intent of the entire action.

Council Member Price agreed.

Council Member Klein will vote in favor even though he believed it was not a necessary motion.

MOTION PASSED: 4-0

MOTION: Mayor Burt moved, seconded by Council Member Shepherd to add language to the Peninsula Cities and the Joint Powers Board stating that "Palo Alto advocates the creation of a Policy Advisory Committee for the Peninsula Corridor Joint Powers Board."

Hinda Sack said she supported regional commuter rail, but she wasn't sure how much she supported Caltrain.

Council Member Klein said he was a little unsure of their jurisdiction with the Motion.

MOTION PASSED: 3-1, Klein no

Council Member Klein said if they were going to discuss the governing province of Caltrain they should go further. He said there is no one representing the Palo Alto area.

Mayor Burt said he made those recommendations to Caltrain along with a whole series of recommendations. He said this begins an achievable, concrete process and it could drive support from other cities. He would be open to adding language stating that in addition to advocating for a Policy Advisory Committee for the Joint Powers Board and for a reexamination of and creation of a more balanced governance structure for Caltrain.

Council Member Klein said that perhaps they should include something that indicates northern Santa Clara County Cities

Mayor Burt said they could allude to North County or speak more broadly.

MOTION: Mayor Burt moved, seconded by Council Member Shepherd to add language to the Peninsula Cities and the Joint Powers Board advocating the Joint Powers Board reconstitute its governing body to assure that Northern Santa Clara County has representation.

Council Member Price asked if anyone knew what the criteria for representation were.

Mayor Burt said they want that criteria to change. He said that the current governance does not preclude someone from North County. We are trying to insure representation from Northern Santa Clara County.

MOTION PASSED: 4-0

Council Member Shepherd said that it seemed that Caltrain has not put a value on their corridor. She wanted to know if Palo Alto should ask them to, and if so

how should they accomplish that. She asked if the value was simply electrified trains, or if they wanted more.

Mayor Burt said he thought it was a valid long term issue, but shouldn't be included with the no confidence vote.

Rob Braulik said Staff would include the language Council Member Shepherd drafted in the Motions in the draft resolution. He said that a letter would be written to FRA to indicate a vote of no confidence. A letter would also be written to express support of funding for Caltrain. The process of communicating with CHSRA will continue in order to defend Palo Alto's interest. The resolution will include language regarding advocating for a Policy Advisory Committee. They will also add language regarding reconstituting the Joint Powers Board to the Resolution.

Mayor Burt confirmed his support of creating a new governing mechanism of the CHSRA.

Council Member Shepherd said they voted to have Staff put together Station options and come back to the Committee.

Mr. Braulik said they wouldn't have that ready. He discussed track configuration options. He wanted to know if the Committee had additional design options they should discuss.

Council Member Price said that additional information has become available since August. The report from HMM may identify some issues with open trenching that may be suspect. She said it was difficult to use that information in this conversation.

Mr. Braulik said the report would not likely have much bearing on the decisions made by the Committee.

Mayor Burt said that only one option was compliant with criteria adopted at Council which included at grade separation. He said determining whether or not to support options that did not meet the criteria seemed to not be the point, but rather they should focus on whether or not to support the one option that does meet the criteria.

Council Member Shepherd said she was interested in trying to get the true cost of the project. She said this was a good opportunity to discuss requesting the CHSRA discuss the financial aspects of a cap and cover solution.

Mayor Burt clarified that Council Member Shepherd wanted to know what other options they would prefer to discuss.

Council Member Klein said the cut and cover will be more expensive, but he reiterated that they know which direction the CHSRA is going in.

Mayor Burt stated that HMM disagreed with the cost estimates from CHSRA.

Council Member Klein read from page 13 of the HMM report "... the basis for the rejection of the covered trench and deep tunnel options is not substantiated. Construction impacts cited for the rejection of both alternatives also exist for the open trench option. The construction process for the open and covered trench options is almost identical as are the constructability issues."

Mayor Burt said that doesn't necessarily mean they are comparable costs. He said he agreed with HMM's assessment, but he did not agree that their determination meant the costs were comparable to a cut and cover.

Council Member Price said the issue was a modified design, regardless of the interpretation of the difference in cost.

Mayor Burt said he wants the cut and cover evaluated; HMM's report supported the position that the SAAR was incorrect in its analysis of a drastic cost analysis between the two. Consequently cut and cover should be evaluated.

MOTION: Mayor Burt moved, seconded by Council Member Shepherd to support a continued full analysis of a cut and cover option consistent with the analysis performed by Hatch Mott MacDonald in September 2010.

Council Member Shepherd suggested that they should ask to put this option back on the table. It should be on the agenda in an effort to determine the expense.

Mayor Burt said the Motion is designed to answer the question about what other solutions the Committee would like have discussed.

Sara Armstrong asked for clarification that the Motion was simply requesting the further exploration of cut and cover.

Bill Cutler asked for clarification regarding the scope of consideration. He wanted to know if it solely focused on impact, which would be negative consequences or if it would focus also on benefits or positive consequences. Positive consequences should have equal weight.

Karen Shapel reminded the Committee that Palo Alto's boundaries extended beyond Adobe Creek to the San Antonio Station.

MOTION PASSED: 4-0

MOTION: Council Member Klein moved, seconded by Council Member Shepherd that the High Speed Rail Committee not recommend design options A (at-grade, aerial), B (open trench, at-grade), or B1 (open trench).

Mayor Burt said he thought open trench with at grade separation was something they should consider. He added that they don't have access to the noise and vibration standards yet. This option may make the noise and vibration levels lower than they presently are in the community. Trying to make recommendations without sufficient information is difficult. The cut and cover is more preferred, but perhaps another option should be discussed.

Council Member Shepherd agreed but it would be more interesting if they could narrow the project. If it were two tracks instead of four it might be more feasible.

Mayor Burt said the problem is that they need to make a determination if they do or do not support continued evaluation of the open trench, at-grade option.

Council Member Price said they had reiterated their support of the open trench as an option. It is appropriate at this point to support it. There may be less visual impact and may be able to accommodate Caltrain. They must also remember the construction impacts will be important on Alma.

Jim McFall stated the elevated structure is the most viable option for the CHSRA because of construction costs. It is important that the Council make a strong statement that this is not an acceptable option.

Sara Armstrong cautioned that the Committee should use specific language describing what they are supporting as the options have changed.

Council Member Price asked if they could go back to the earlier statement to strongly oppose the at-grade options and strongly support the other options.

Bill Cutler said he was enumerating the various options, and realized that elevated may be the most inexpensive option and they needed to make sure that didn't happen.

Hinda Sack agreed with Ms. Armstrong. She said it can be covered and not covered in different parts of the City. A completely covered trench may create venting issues. It may make sense to have multiple options.

Leannah Hunt said that she supported strong language in opposition to the at-grade and the viaduct. She supported continued exploration of trench and covered trench.

Mayor Burt discussed concern for phasing. The supplemental did not propose phasing, but it is a conversation occurring. He said it there was a probability that phasing would occur and they would have to address issues surrounding it.

SUBSTITUTE MOTION: Mayor Burt moved, seconded by Council Member Klein to strongly oppose design options A (at-grade, aerial) and B (open trench, at-grade) to support further consideration of an open trench or partially covered alternative provided the corridor width is minimized to not greater than 82 feet and that the noise and vibration impact would result in less than the current rail corridor operations.

Council Member Price asked about the consideration of other design options.

Mayor Burt said it referred to an open trench alternative and while that required covering at-grade separations, he was trying to allow for various alternatives including a greater amount covering.

SUBSTITUTE MOTION PASSED: 4-0

Break 8:27 – 8:33

Council Member Price said that all of the alternatives would have operational impacts on Alma Street. They were supporting the open trench option while recognizing the impact on Alma Street. Various designs that would lower that impact should be considered.

Council Member Klein clarified that they were supporting further evaluation of the option; they were not necessarily supporting the option.

Council Member Price said the open trench option should include impact on two lanes of Alma.

Mayor Burt said they could include language that addresses that issue. At one time they were speaking about cantilevering in a couple of short, narrow spots that lacked the right-of-way. He would be willing to add language under the open trench option where it says

Council Member Klein another clause after vibration about not reducing capacity on Alma.

Council Member Shepherd asked about the working groups.

Mr. Emslie said they should clearly articulate what is wanted enabling Staff to object appropriately.

Mayor Burt said they could for consistency consider stating the alternatives are approximately consistent with the technical working group recommendations.

Council Member Shepherd said that Working Group A is looking at a stacked trench tunnel which isn't an option.

Mayor Burt said they were showing that as an option, just not one of their options. He withdrew his consideration of the Technical Working Group recommendations.

Council Member Shepherd said to note that this was costing a lot of money.

Council Member Klein said they should discuss the second bullet under considerations and questions on the Staff Report. He reminded the Committee that they could change the Staff language if they wanted to.

Council Member Shepherd asked if they should reiterate their opposition to not treating every area of Palo Alto equally.

Council Member Klein said they support below grade options that treat all areas of the City the same

Council Member Shepherd asked if this was the appropriate time to discuss open trenching in some areas and not in others.

Mayor Burt said equitably they can't look at identical designs. There may be more of a need for covered trenches in south and open in north Palo Alto. They want it to be equitable.

Council Member Klein asked if he thought option B was equitable.

Mayor Burt said he did not. He said they had rejected B.

Council Member Klein said they would need to determine what they mean by equitable.

MOTION: Mayor Burt moved, seconded by Council Member Klein to make Design Option B1 equitable with prior Motion, and to indicate that Design Options A and B are not equitable.

Bill Cutler said the people that are affected should be able to determine equitable. He said he could be ok with an open trench across the street from his home, but everyone ought to have a say.

Mayor Burt said they would have that opportunity to debate depending on what comes back. They are trying to react to guesses.

Council Member Klein suggested they discuss Staff's question about communicating to the CHSRA responsibility for paying the cost.

Council Member Shepherd said this would all be priced out.

Mr. Emslie said regardless of solution there should never be an assumption that the residents of Palo Alto would have to bear an incremental cost.

Council Member Klein said that had been covered in other areas.

Council Member Shepherd said that at some point they would need to address a strong cost statement. There could also be intersections under eminent domain as well. She said it should be agendized as a rigorous conversation.

MOTION PASSED: 4-0

Council Member Price asked if they were assuming project and mitigation costs with the Motion.

Mr. Braulik said Staff was assuming both.

Mayor Burt supported amending the Motion to include Council Member Price's comments regarding cost mitigation.

Council Member Klein said they should discuss the phased construction question with Staff.

Council Member Price was not in favor of phased construction. In a phasing scenario the least palatable options may be completed. There would be no certainty about on-going funding. It's a precarious option.

MOTION: Council Member Price moved, seconded by Council Member Klein that Palo Alto does not support phasing of the construction operation of the High Speed Rail project through Palo Alto.

Mayor Burt said if there was a good likelihood that they would not have the necessary funds to complete the project statewide, the discussion should focus on the outside chance that they get the funds, and secondly the chance that there would be phasing at some point of the project. He said that if the ridership assumptions are high, then they would be looking at 10 trains per hour per direction. It could not be accommodated in our community without grade separations. Our position could be limiting our options.

Mr. Emslie said that would be a different project than what they analyzed.

Mayor Burt said the mitigation impact would be so severe we would have a strong legal opposition. He said he was interested in the discussion.

Council Member Shepherd said Option B was a trench and at-grade option.

Mayor Burt suggested they would only consider two-track phasing with no eminent domain taking. This would preclude an over or underpass.

Council Member Shepherd corrected that there was a viaduct in Option B.

Council Member Price said they would opt for the least expensive option. They would end up predominately at-grade system. She was concerned about not being allowed an acceptable solution.

Mayor Burt said that's why he wanted to phrase a motion about a two track system being only acceptable with submerged crossings at intersections.

Council Member Price asked if that was even feasible.

Mayor Burt said if they did it with the two tracks, the grade separations, could have a width that would eventually accommodate four tracks.

Council Member Klein said he did not approve of phasing. It would put a cloud over the affected homes. It was not a good solution for Palo Alto.

Mayor Burt added that with grade separation it's more than just traffic. It includes pedestrian safety, emergency services, and more. He said this is likely what they would propose as an economical solution. If the City opposes it in its entirety versus opposing phasing unless certain issues are addressed.

Council Member Shepherd asked if it was critical to discuss this now. She wasn't prepared to decide about phasing at this point.

Mayor Burt agreed that the Supplemental Alternatives Analysis did not drive them to make this determination now. He said he would be comfortable postponing a position.

Jim McFall disagreed. He said it needed to be addressed with a strong statement immediately. This client doesn't have the funds to complete the process. Phasing will be the end result, and the City must make a statement against it.

Sara Armstrong said phased funding is different than phased construction. They will phase construction even with a fully funded project. She cautioned against a blanket statement regarding phasing. She said that a phased approach to funding the full operational system was what they should be making their statement against.

Cathy Hamilton said she was confused about phasing, she didn't realize they had a full understanding of it yet. Her understanding was they would build all around Menlo Park, Atherton, and Palo Alto leaving them out. She also wanted to know how legal this was. Construction was supposed to be in between stations, so she wasn't sure they could leave them out.

A member of the public asked what power they have to make these demands.

Council Member Klein said they spoke about that earlier. There was an option for collecting enough signatures to get the issue back to the ballot.

Hinda Sack said they don't know enough about phasing to say anything about it.

Mayor Burt said without endorsing phasing or not they could say what was unacceptable about it. He suggested they say any consideration of phasing would require a trenched railway grade separation at a minimum if train volume exceeded anticipated levels. He asked if they wanted to set conditions.

Council Member Klein said he was comfortable leaving the Motion as it was. He didn't feel it was their burden to clean up the uncertainties. He said this was not an intellectual exercise because the topic was in their FRA application. Language can be included to indicate that we don't have a lot of the information yet. If the information changes we can then oppose it.

Mayor Burt suggested expanding the Motion to include the language "until we know more information we oppose it and due to those concerns."

Council Member Shepherd asked if they were just responding to the CHSRA at this point.

Mayor Burt said they basically have the three forms of phasing; 1) the phasing that was included in the FRA application, 2) the phasing that was discussed that was not on the application but was expected to be on the application, 3) and Caltrain's conceptual policy position, but we don't know what that is yet.

Council Member Price agreed to add language to the Motion as long as the opening statement "opposed".

Mayor Burt said that construction phasing didn't refer to the impact of construction. It meant the phased construction.

MOTION PASSED: 4-0

Mayor Burt said they should make a statement that they do not meet the criteria. He felt they should.

Mr. Emslie confirmed that Staff understood the direction.

Council Member Shepherd asked about the SAAR. She said they would have to turn around a quick response in December. She wanted to know if they had the peer reviewers lined up yet.

Mr. Braulik suggested Staff would request that they continue to use the current contractor.

Mr. Emslie added that they would probably require some more technical expertise regarding noise and vibration.

Council Member Shepherd requested that Staff bring some contracts before the Committee soon.

Council Member Price asked if they were taking any steps related to the ridership information.

Mr. Braulik said Staff communicated through the response on the Program EIR. He said the CHSRA didn't accept the arguments.

Council Member Price said in the no confidence statement they did address that.

Council Member Klein said if they challenged the EIR they would address that.

Council Member Shepherd said if the ridership numbers stand, that's it needs to be a dual operating system in order to carry the load. They will never be able to review the current track configuration which is minimal. She asked if this was the time to start defending a split option such as Altamont.

Mr. Braulik said they rejected Altamont as well.

Mayor Burt said it was on the map as a second stage. He thought this would be the point in time to have that discussion.

4. Discussion of Other High Speed Rail Items

Mr. Braulik said Staff provided a letter to the CHSRA regarding the EIR deficiencies.

Council Member Klein said he wanted to urge the Council to read through the letter carefully.

Council Member Price asked when the letter was dated.

Mr. Braulik said it was September 1st. He said Staff received a document regarding Station guidelines. Staff returned, at the Committee's direction, with a response that the Committee could review if they would like to comment.

Council Member Price asked if they were scheduled to work on that.

Mr. Braulik said they were going to work on a letter about the timing issue.

Council Member Price said she had offered to help respond to the principles and guidelines.

Council Member Klein asked when the deadline was.

Mr. Braulik said the High Speed Rail Committee usually meets the first week of the month, so the first week of October. Or they could designate a Member to work with Staff and they could draft a letter prior.

MOTION: Council Member Klein moved, seconded by Council Member Price to request two members of the High Speed Rail Committee to work with Staff to draft a letter to be heard at the next High Speed Rail Committee meeting.

MOTION PASSED: 4-0

Council Member Klein said that Mayor Burt and Council Member Price had offered to assist Staff.

Mr. Braulik spoke regarding the tentative HSR Station Community Outreach Process date on October 7, 2010.

Mr. Emslie said it would be HNTB's meeting.

Mr. Braulik said they hosted the same meeting in Mountain View the prior night. It can be viewed from the City of Palo Alto website.

Council Member Shepherd asked if it was the same presentation they had seen already.

Management Specialist, Richard Hackmann said it was a lot of renderings of how the station would look. It's a high level presentation. It shows the footprint well.

Council Member Shepherd said they were expecting to get some revenue from the process. She wanted Staff to pin that down.

Mr. Braulik said they were putting the burden of the parking on the local agency. Their theory is that station cities would partner with businesses.

Council Member Shepherd said there was always a layer of financial gain for them. She asked Staff to monitor that carefully.

Council Member Price asked if they knew what Stanford's position on a Stanford station.

Mr. Emslie said they did not have an official position yet.

Council Member Price said that was an important piece of information.

Mr. Emslie said Staff would be able to report on that by the following Monday.

Mr. Braulik asked the Committee if other cities had written letters to the FRA taking issue with the phased approach funding.

Council Member Klein said he felt they set the policy with their letter opposing staging.

5. Updates and Informational Items

Council Member Klein said that Palo Alto was sponsoring a meeting for cities that are concerned about High Speed Rail on September 16th at the League of California Cities in San Diego. He said the point of the meeting was mainly to allow an opportunity for cities that are opposed to get to know each other.

6. Future Meetings and Agendas

Council Member Klein said there would be a meeting on October 7, 2010 and October 21, 2010.

Mr. Braulik stated that the High Speed Rail Committee met on the first and third Thursday of each month and that at this time those were the only meetings on the schedule.

Mr. Emslie said those were the next two regularly scheduled meetings.

Mayor Burt confirmed there would be two High Speed Rail meetings on the 7th, but one of them isn't a Committee meeting.

Council Member Klein said that they could make a case for a meeting on before then, but other wise they should get back to their regular schedule of meeting on Thursdays.

ADJOURNMENT: Meeting adjourned at 9:45 p.m.